



STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

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**OFFICE OF PETITIONS**

Applicant: Sun et al.  
Appl. No.: 10/630,814  
Filing Date: July 31, 2003  
Title: ARYL SUBSTITUTED HYDANTOIN COMPOUNDS AND THEIR USE AS SODIUM CHANNEL BLOCKERS  
Attorney Docket No.: 1861.1450001/JMC/JSL  
Pub. No.: US 2004/0097569 A1  
Pub. Date: May 20, 2004

This is in response to the request for a corrected patent application publication under 37 CFR 1.221(b), which was received on July 20, 2004.

The request is DISMISSED.

The instant request is that the patent application publication be republished because the publication contains an error on page 13, claim 21, wherein "R<sub>4</sub>" is misprinted as "F<sub>4</sub>."

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error cited by Applicant is an Office error, but it is not a material Office mistake under 37 CFR 1.221(b). With respect to misprinting of the symbol in the phrase "R<sub>3</sub> and R<sub>4</sub>," as "R<sub>3</sub> and F<sub>4</sub>" in dependent claim 21, the symbol is used several times in the preceding claims and following claims and it is clear from the specification and claims that the symbol is "R<sub>3</sub> and R<sub>4</sub>." The mistake is a minor typographical error, which does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

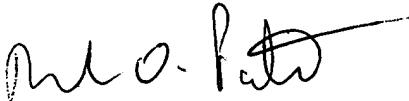
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions should be addressed as follows:

By mail to:                   Mail Stop PGPUB  
                                  Commissioner for Patents  
                                  P.O. Box 1450  
                                  Alexandria, VA 22313-1450

By facsimile:               703-872-9306

Inquires concerning this communication should be directed to Mark Polutta at (571) 272-7709.



Mark O. Polutta  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy